

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
THOAMAS J. CHERRY,

Plaintiff,

- against -

**ORDER**

10 CV 2175 (SLT)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

-----x  
**SANDRA L. TOWNES, United States District Judge:**

Upon review of plaintiff's complaint and application to proceed *in forma pauperis*, it is  
**ORDERED:**

1. That plaintiff's application to proceed *in forma pauperis* is granted and that plaintiff may proceed without being required to prepay fees or costs, or give security therefor;
2. The Clerk of Court is hereby directed to appoint an attorney on the basis of random selection from the Pro Bono Panel to represent the above-named plaintiff. The assigned attorney is directed to file a notice of appearance or to file an application for relief from appointment within thirty (30) days of receipt of the notice of appointment.
3. The Clerk is directed to forward to the United States Marshal's Office for the Eastern District of New York copies of plaintiff's summons and complaint. The Marshal is directed to serve the summons and complaint upon defendant without prepayment of fees.
4. That defendant shall obtain and serve upon plaintiff the administrative record of the proceedings, along with its answer, within **ninety (90) days** of commencement of the action, unless an extension is granted by order of the Court for good cause shown. Any request for an extension of time shall be made in writing, in advance of the deadline, and shall indicate, *inter alia*, the date on which the administrative record was requested, whether or not it has been received, and the most recent efforts made to obtain it;
5. Unless otherwise directed by this Court, defendant shall serve upon plaintiff a motion for judgment on the pleadings within **sixty (60) days** after serving the administrative record. Any request for an extension of time shall be made in writing, in advance of the deadline, and shall demonstrate good cause for the extension;
6. That plaintiff shall serve a response to defendant's motion upon defendant within **thirty (30) days** of having been served with the defendant's motion. Any request for an extension of time shall be made in writing, in advance of the deadline, and shall demonstrate good cause for the extension; and

7. That defendant, upon receipt of plaintiff's response, shall file the entire set of motion papers and the administrative record with the Court.

The parties are advised of the option of consenting to have this matter heard and decided by the assigned Magistrate Judge. The parties are to consult and to advise the Court if both sides consent to having this case heard and decided by the assigned Magistrate Judge. The parties shall also inform the Court if both parties do not consent, but they are not to indicate which party does not consent. For consent forms, or for further information, please contact my Courtroom Deputy, Veronica Frullo, at (718) 613-2165.

**SO ORDERED:**

/S/

---

/SANDRA L. TOWNES  
United States District Judge

Dated: May 14, 2010  
Brooklyn, New York